

1 phone calls perhaps had been orchestrated by
 2 Comcast. However, we directed the call center
 3 operations to verify that those were
 4 legitimate customers and the response that we
 5 got from the call center operations team was
 6 that well over 95 percent of them were
 7 legitimate. They had customer ID, etcetera.

8 Q Just because they're legitimate
 9 customers didn't mean that Comcast didn't have
 10 a hand in this, I take it though, did it?

11 A I don't know what the hand would
 12 be.

13 Q Well, perhaps prompting a
 14 legitimate customer's call?

15 A I'm sorry, prompting what?

16 Q Legitimate customers to make the
 17 call?

18 A That's what the crawl was.

19 Q Do you know if there was anything
 20 else other than the crawl?

21 A They did field marketing activity
 22 and things of that nature. But those were

1 real customers calling, customers that really
2 cared.

3 Q Did you have anything similar
4 happen for Versus?

5 A I believe Versus also ran crawls.
6 I got emails from Versus customers, yes.

7 Q Anywhere near the number?

8 A The emails were certainly in the
9 hundreds and I can't really remember
10 specifically the breakdown of Golf versus --
11 pardon the pun there -- Golf as opposed to
12 Versus.

13 Q You talked about The Golf Channel,
14 I take it it doesn't strike you as much with
15 Versus?

16 A I just don't remember the exact
17 breakdown. I do remember the emails because
18 I got those specifically. Frankly, the
19 company was in such a state of panic based on
20 the calls coming in both for Golf and Versus
21 that it no longer mattered. The numbers were
22 too big and we needed to get a deal done.

1 Q Talk about the free periods for a
2 second. Do you know whether The Baseball
3 Channel gave a free period?

4 A Not a charter.

5 Q How about at Comcast?

6 A I don't know at Comcast, but it
7 was also a very different situation in terms
8 of the rights they were offering.

9 Q I'm sorry, sir, just yes or no, or
10 you can't answer it that way.

11 Do you know whether there were any
12 free periods offered by Golf or Versus in
13 connection with the renewal negotiations over
14 the last couple of years?

15 A No. They're firmly established in
16 that tier.

17 Q And do you know with respect to --
18 strike that. I want to ask you a quick
19 question about business dynamics since the
20 Judge raised it for a second and I promise I
21 won't take very long.

22 JUDGE SIPPEL: I am sorry I did

1 that now.

2 BY MR. PHILLIPS:

3 Q As I understand it, Mr. Rigdon,
4 and correct me if I'm wrong, as a general
5 matter, if you increase the distribution of a
6 network it increases the value of that
7 network. Is that fair?

8 A That's a good thing for the
9 network, yes.

10 Q And one of the reasons it
11 increases the value of the network is that it
12 gets more sub fees, correct?

13 A Depends on the deal that's cut.

14 Q Assuming that -- assuming it
15 doesn't get the deal that you've offered
16 Tennis Channel which is to increase its subs
17 for free and it's being paid on a per sub
18 basis increasing the amount would increase the
19 amount of sub fees, it would get, correct,
20 sir?

21 A Yes.

22 Q And would also increase the amount

1 of advertising available to it because it
2 would be more eyeballs, wouldn't it, sir?

3 A To the network, yes, that's true.

4 Q And now if -- just correct me if
5 I'm wrong, but if you own equity in the
6 network, then don't you share part of that
7 increased value?

8 A Yes.

9 Q And so therefore you would have an
10 incentive to distribute it more broadly
11 because to the extent it got more value, it
12 would help the equity that you own, correct,
13 sir?

14 A Sure. It doesn't mean that's a
15 driver of the decision to do it.

16 Q I understand, sir. Thank you very
17 much.

18 MR. CARROLL: Nothing else here.

19 MR. OSHINSKY: We're good.

20 JUDGE SIPPEL: You're good?

21 MR. OSHINSKY: Yes.

22 JUDGE SIPPEL: I feel I'm falling

1 behind here. You are excused as a witness.

2 Is that right? Be gone, sir.

3 THE WITNESS: Thank you, sir.

4 JUDGE SIPPEL: Thank you. You're
5 no longer under oath and you can talk to
6 lawyers and anybody you want.

7 MR. OSHINSKY: He probably doesn't
8 want to talk to lawyers.

9 JUDGE SIPPEL: That's why I
10 thought it was a safe counsel.

11 Are you going to put another
12 witness on tonight?

13 MR. CARROLL: We are at 6 o'clock.
14 At this point I imagine we're --

15 JUDGE SIPPEL: Are you getting
16 hungry again?

17 (Laughter.)

18 Let's go off the record.

19 MR. PHILLIPS: Your Honor, can I
20 put one thing last on the record, sir?

21 JUDGE SIPPEL: Go ahead, let's
22 stay on the record.

1 MR. PHILLIPS: Your Honor, you
2 know, I have three exhibits I forgot to move
3 into evidence that I used yesterday with Mr.
4 Singer. Exhibits 190, 191, and 16A and I just
5 want to make sure those get admitted.

6 JUDGE SIPPEL: They've been marked
7 and been testified to?

8 MR. PHILLIPS: They were marked
9 and testified to. There was cross examination
10 -- he was cross examined on the basis of them.
11 And I just --

12 JUDGE SIPPEL: Let me have the
13 numbers again?

14 MR. PHILLIPS: 190, 191, and 16A.

15 JUDGE SIPPEL: 190, 191, and 16A?

16 MR. PHILLIPS: 16A.

17 JUDGE SIPPEL: 16 alpha. I don't
18 remember seeing --

19 MR. PHILLIPS: That was the one
20 where we had corrected a figure that had been
21 a chart in Mr. Singer's written testimony.

22 MR. CARROLL: I remember that.

1 JUDGE SIPPEL: You do remember
2 that.

3 MR. CARROLL: No objection, Your
4 Honor.

5 JUDGE SIPPEL: All right, these
6 have been marked as Tennis Channel exhibits
7 respectively 190, 191, and 16A. And they are
8 now received into evidence as Tennis Channel
9 190, 191, and 16A, respectively.

10 (The documents, having been marked
11 previously for identification as
12 Tennis Channel Exhibits 190, 191,
13 and 16A, were received in
14 evidence.)

15 Okay.

16 MR. CARROLL: Your Honor, we have
17 housekeeping like that on our side in terms of
18 exhibits that I forgot to officially move in
19 at the end of the Singer cross examination.

20 I have a list of them. May I read
21 those to the record now? They were all used?

22 JUDGE SIPPEL: They were all used?

1 MR. CARROLL: They were all used.

2 JUDGE SIPPEL: All right.

3 MR. CARROLL: This is the stuff
4 where at the end -- and we haven't done this
5 for a few witnesses, it's been sloppy in that
6 respect, and apologies for that. We haven't
7 stopped and said we officially move into
8 evidence a series of exhibits that we had
9 used.

10 JUDGE SIPPEL: I'm easy. You all
11 are going to have to face Ms. Gosse, you know.

12 (Laughter.)

13 Okay, let's have them.

14 MR. CARROLL: 1005, 1009, 1010,
15 1020, 1047, 1048, 1055, 1090, 1091, 1093.

16 JUDGE SIPPEL: Ninety-three?

17 MR. CARROLL: Yes, sir.

18 JUDGE SIPPEL: There's a total of
19 one, two, three, four, five -- I'm not going
20 to count them. One, two, three, four, five,
21 six, seven, eight, nine, ten. And those have
22 been marked as Comcast exhibits?

1 MR. CARROLL: Yes.

2 JUDGE SIPPEL: And they were used
3 to cross examine Dr. Singer?

4 MR. CARROLL: Yes, Your Honor.

5 JUDGE SIPPEL: Okay. And they are
6 -- any objection?

7 MR. PHILLIPS: No objection, Your
8 Honor.

9 JUDGE SIPPEL: They're all
10 received as identified as Comcast exhibits.
11 You're doing very good now.

12 (The documents, having been marked
13 previously for identification as
14 Comcast Exhibits 1005, 1009, 1010,
15 1029, 1047, 1048, 1055, 1090,
16 1091, 1093, were received in
17 evidence.)

18 That was for Dr. Singer. What
19 about your list of exhibits on your side, 190,
20 191, 16A. What witness were they used for?

21 MR. PHILLIPS: They were used with
22 Dr. Singer.

1 JUDGE SIPPEL: Okay. Singer.

2 All right.

3 MR. TOSCANO: And Your Honor, I
4 also have some additional exhibits from the
5 cross of Brooks.

6 JUDGE SIPPEL: Okay. Do you have
7 any exhibits from any other case you want to
8 get in?

9 (Laughter.)

10 Okay, this is for?

11 MR. TOSCANO: This is for the
12 cross of Mr. Brooks.

13 JUDGE SIPPEL: Mr. Brooks, cross.

14 MR. TOSCANO: And the numbers are
15 904, 911, 919, 921, 922, 924, and 931.

16 JUDGE SIPPEL: And all those were
17 used in the cross examination of Mr. Brooks?

18 MR. TOSCANO: Yes.

19 JUDGE SIPPEL: Okay, thank you.

20 MR. SCHMIDT: No objection.

21 JUDGE SIPPEL: Those are marked,
22 no objection. They're received in evidence as

1 I identified them.

2 (The documents, having been marked
3 previously for identification as
4 Comcast Exhibits 904, 911, 919,
5 921, 922, 924, and 931, were
6 received in evidence.)

7 Thank you. Is that it?

8 MR. TOSCANO: Thank you, Your
9 Honor.

10 JUDGE SIPPEL: You're all set now?
11 We're going to start at 9:30 tomorrow. Who
12 are we going to have?

13 MR. CARROLL: Mr. Bond.

14 JUDGE SIPPEL: And who are we
15 going to have after that?

16 MR. CARROLL: Ms. Gaiski.

17 JUDGE SIPPEL: Right. Then?

18 MR. CARROLL: And Mr. Donnelly.

19 JUDGE SIPPEL: And?

20 MR. CARROLL: And our last expert
21 witness subject to a deposition --

22 MR. TOSCANO: This is Mark

1 Goldstein.

2 MR. CARROLL: Mark Goldstein.

3 JUDGE SIPPEL: Mark Goldstein. I
4 saw his statement in your papers there, in
5 your binder. That's one, two, three, four.
6 Do we have another? That's it?

7 MR. CARROLL: That's it.

8 JUDGE SIPPEL: And Mr. Goldstein
9 is going to be an expert?

10 MR. CARROLL: Yes.

11 JUDGE SIPPEL: Do we honestly
12 think we can get those done tomorrow? Monday
13 is available. As I said, I don't want to
14 push.

15 MR. CARROLL: We're actually
16 making pretty good headway. I don't know.
17 It's probably going to be hard to finish off
18 four of those, but I'm sure we'll try.

19 MR. PHILLIPS: Your Honor, I don't
20 think we can get all four of them done. I
21 don't think it will go beyond Monday.

22 JUDGE SIPPEL: As I say, I don't

1 want it to get -- we have to be more careful
2 with Mr. Schmidt and food.

3 (Laughter.)

4 Okay, now I guess one further
5 housekeeping matter. Tomorrow is Friday, is
6 that right?

7 MR. PHILLIPS: And the wedding is
8 tomorrow, isn't it?

9 JUDGE SIPPEL: I'll have to report
10 on that because my dog is an English dog and
11 I'm going to have to get up at 4 o'clock.

12 (Laughter.)

13 I'm going to -- it's coat and tie
14 day, coat, shirt, and tie day, but if you want
15 to wear sport jackets and slacks instead of
16 suits, that's okay, too, if you're going to be
17 leaving here and traveling. Other than that,
18 I don't have anything more.

19 We still have a leaking ceiling.
20 The air conditioning works, but in order to
21 repair the ceiling, they have to turn the air
22 conditioning off for a few hours, so Mary has

1 told them they have to come in on Saturday and
2 do it. Now this has really caused some very
3 interesting feedback, shall I say, but anyway,
4 we're going to keep the air conditioning on.
5 We're going to break for food and we're going
6 to take as much as we can do tomorrow and
7 everybody will get on a plane and be safe,
8 okay? Thank you. We're recessed until 9:30.

9 (Whereupon, at 6:00 p.m., the
10 hearing was adjourned, to reconvene tomorrow,
11 Friday, April 29, 2011 at 9:30 a.m.)
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